

Notice of Allowability

Application No.

10/086,727

Examiner

Susan T. Tran

Applicant(s)

LEVI ET AL.

Art Unit

1615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Response filed 11/30/06.
2. ☒ The allowed claim(s) is/are 1,2,6,7,11-13,20,21,23,25 and 28-33.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 01/12/07.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


SUSAN TRAN
PRIMARY EXAMINER

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Sheridan Neimark on 01/12/07.

The application has been amended as follows:

Claim 1, line 6, after the phrase "in said excrement", the phrase "wherein the acid agent comprises at least one biodegradable carboxylic acid, whereby said composition is biodegradable" has been inserted.

Claim 1, lines 11-12, after the phrase "vapor barrier on the excrement", the phrase "in a concentration range of 0.1% to 10% w/v" has been inserted.

Claim 1, line 19, after the word "alcohol", the word "and" has been inserted.

Claim 1, lines 19-20, the phrase "and poly(meth)acrylamide," has been deleted.

Claim 1, line 21, after the phrase "the water soluble polymer", the phrase "has a molecular weight of higher than 15,000, and," has been inserted.

Claim 20, line 5, after the phrase "an acid agent", the phrase "comprising at least one biodegradable carboxylic acid, whereby said composition is biodegradable," has been inserted.

Art Unit: 1615

Claim 20, last line, after the word "excrement", the phrase "; and wherein said water soluble film forming polymer has a molecular weight of higher than 15,000" has been inserted.

Claim 21, line 4, after the phrase "an acid agent", the phrase "comprising at least one biodegradable carboxylic acid, whereby said composition is biodegradable," has been inserted.

Claim 21, last line, after the word "methacrylate", the phrase "; and wherein the biologically degradable water soluble polymer has a molecular weight of higher than 15,000" has been inserted.

Claim 23, line 7, the phrase "or less" has been deleted.

Claim 23, last line, after the phrase "polyhydroxypropyl methacrylate", the phrase "; and wherein the biologically degradable water soluble polymer has a molecular weight of higher than 15,000" has been inserted.

Claims 5, 10, 19 and 22 have been cancelled.

The following is an examiner's statement of reasons for allowance:

The closest prior art, Kobayashi, teaches using a small amount of polyacrylamide in a deodorant composition to resist fermentative decomposition by bacteria or enzyme, therefore, effective for reducing malodor. Kobayashi does not teach the claimed amount of film forming polymer to form a real film. Applicant amended the claims to delete the limitation "poly(meth)acrylamide" as a film-forming polymer. Applicant's Declaration, dated 01/13/06, showed that the amount of polymer taught by Kobayashi is

Art Unit: 1615

1,000 times or more too dilute to form a film barrier. The 103(a) rejection over Pacifici has been withdrawn in view of applicant's argument in page 12 of the remarks filed 11/30/06. Pacifici does not teach the claimed amount of water-soluble polymer to form a real film.

Correspondence

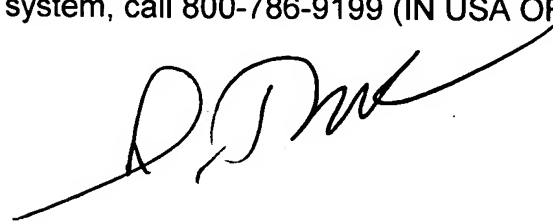
Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susan T. Tran whose telephone number is (571) 272-0606. The examiner can normally be reached on M-F 6:00 am to 4:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Woodward can be reached on (571) 272-8373. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1615

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be 'D. J. M.', is written over the text of the paragraph.

Art Unit 1615